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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,668	09/30/2003	Michael Kurth	1690.1005	2028

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,668

Applicant(s)

KURTH, MICHAEL

Examiner

Quoc D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/19/04, 8/02/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 2 and 4 are objected to because of the following informalities: the numeral 3 should be denoted as 2 since element 2 corresponds to generating means. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Liang et al (6,445,773).

Consider claim 1, Liang et al teach a xDSL line tester, particularly an ADSL line tester, having means [2] for generating at least one polling frequency signal of prescribed shape and duration which is intended for the connection test, means (4) for transmitting the frequency signal onto the line (col. 4 line 62 – col. 5 line 11; col. 8 lines 42-50), means (5, 7) for detecting at least one response frequency signal transmitted by a remote station on the line in response to the polling frequency signal (col. 5 lines 1-8; col. 8 lines 51-54), and means (12) for signaling setup of a connection to the remote station on the basis of detection of the response frequency signal (col. 5 lines 17-23; col. 9 lines 7-9).

Consider claim 2, Liang et al teach the xDSL line tester in which the generating means [2] are designed for generating at least one R tone (*i.e., synchronization or wake up signal*)

based on the "ANNEX A" specification published by the ITU (International Telecommunication Union) (see col. 4 line 62 – col. 5 line 11; col. 8 lines 42-50).

Consider claim 3, Liang et al teach the xDSL line tester in which the detection means are designed for detecting at least one C tone (*i.e., acknowledge signal*) based on the "ANNEX A" specification published by the ITU (International Telecommunication Union) (see col. 4 line 62 – col. 5 line 11; col. 8 lines 42-50).

Consider claim 4, Liang et al teach the xDSL line tester according to claim 1 in which the generating means [2] comprise a frequency generator (particularly a sine wave generator) (col. 5 lines 4-11).

Consider claim 7, Liang et al teach the xDSL line tester comprises a housing which has the signaling means (12) on an outer wall (col. 7 lines 43-47; col. 9 lines 7-10). It should be noted that each of the modem unit are inherently enclosed in a housing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al (6,445,773) in view of Chong (6,417,672).

Consider claim 5, Liang et al did not suggest the xDSL line tester in which the detection means (5, 7) have a high pass filter (5) and an integrator (7). However, Chong et al suggested such (col. 17 lines 48-55). Therefore, it would have been obvious to one of the ordinary skill in

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the art at the time the invention was made to incorporate the teaching of Chong into view of Liang et al in order remove unwanted signal from the test signal.

Consider claim 6, Liang et al did not suggest the xDSL line tester in which the signaling means (12) comprise a light emitting diode. However, Chong suggested such (col. 9 lines 40-60). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Chong into view of Liang et al in order to provides status of the test.

Consider claim 8, Liang et al did not suggest the xDSL line tester in which an outer wall of the housing has a pushbutton switch (11) arranged on it which a user can use to input a start signal for the test procedure. However, Chong et al suggested such (col. 9 lines 40-60). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Chong into view of Liang et al in order to initiate testing.

Consider claim 9, Liang et al did not suggest the xDSL line tester having a central processor unit (1) which is connected to the generating means (2) and to the detection means (5, 7) and in which the shape and duration of the polling frequency signal which is to be emitted have been programmed. However, Chong suggested such (col. 9 line 61 – col. 10 line 9). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Chong into view of Liang et al in order to process the test procedure.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(703) 872-9306

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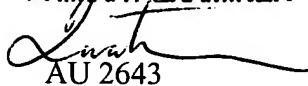
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and SATURDAY from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN

PRIMARY EXAMINER



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March 22, 2005